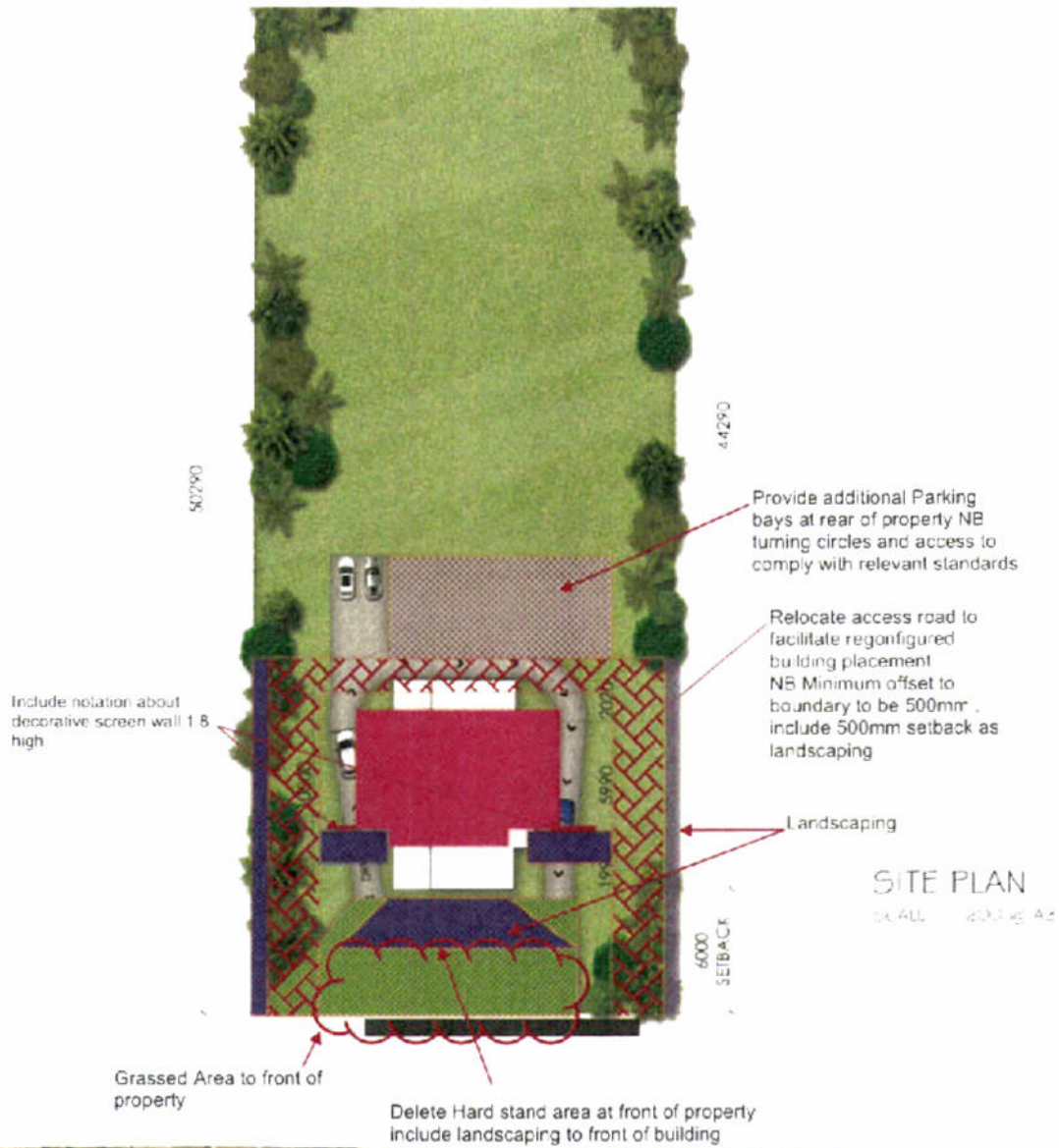
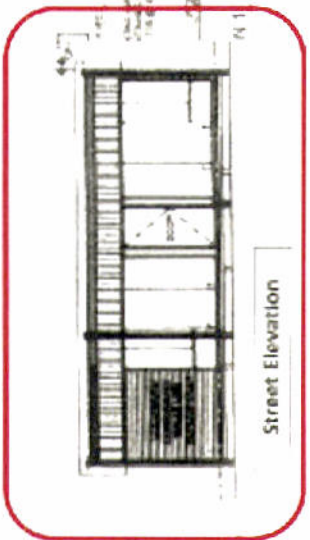
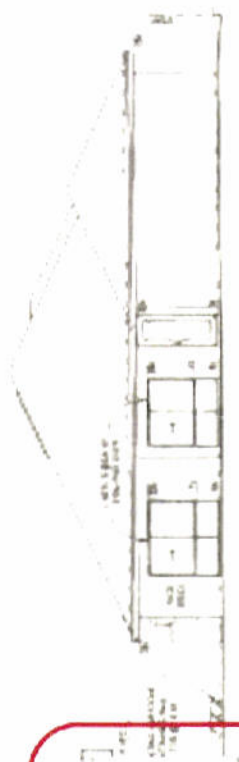
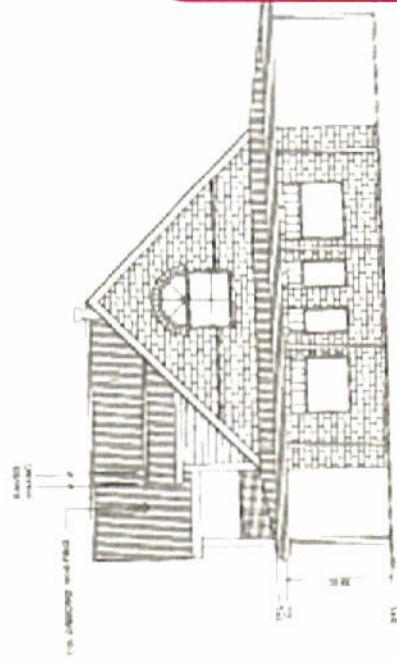


ROAD

 Thompson SURVEYING CONSULTANTS	<p><i>Innovations in Surveying</i> Since 1952</p> <p>Licensed Surveyors, Project Managers & Engineering Surveyors A.C.N. 608 958 305</p> <p>ABN 59 166 310 335 Unit 5, 18 Casuarina Drive, Bunbury PO Box 1719, BUNBURY WA 6231 Phone: (08) 9721 4000 Fax: (08) 9721 2720 eMail: info@thompsonsurveying.com.au</p>	 <p>ISO 9001 FS 520415</p>	<p>COPYRIGHT</p> <p>This drawing is the property of THOMPSON SURVEYING CONSULTANTS and shall not be copied or reproduced in whole or in part for any other purpose than was originally intended unless written consent is given by THOMPSON SURVEYING CONSULTANTS</p>	File No: 18038	Date: 25/Jul/2017	CLIENT: HASTIE WASTE
				Ver: N/A	Checked:	PROJECT: JULY 2017 SURVEY
				Hor: 1:1500	Scale: (MPL3) 75%	DONNYBROOK REFUSE SITE
				Computer Reference: 2:05	Revision: 0	TITLE: SITE VOLUMES
				Date No: DWG-8038	Sheet: 1 of 1	DATUM: HOR: M G A 94 VERT: A H D

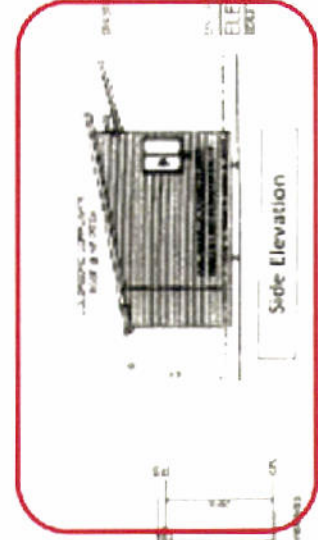
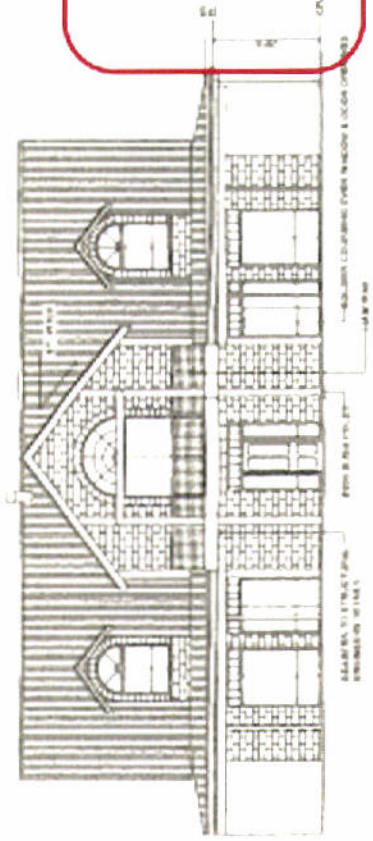




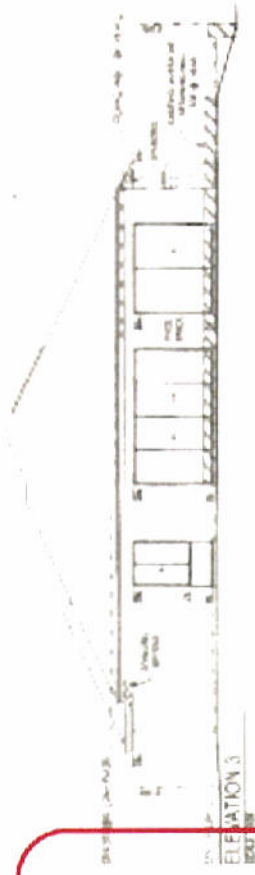


Street Elevation

Subject Site



Side Elevation



ELEVATION 3



SUBJECT SITE

12.4 Principal Planner

12.4.1 PLANNING APPLICATION FOR HOUSE AND OVERSIZED SHED AT LOT 3325 SCAFFIDI PLACE, DONNYBROOK

Location:	Lot 3325 Scaffidi Place, Donnybrook
Applicants:	Mr Matt Ramponi
Zone:	Rural Residential
File Ref:	A4882
Author:	Bob Wallin - Principal Planner
Report Date:	29 August 2017
Attachments:	12.4.1(1) – Site Plan 12.4.1(2) – Superimposed Image of Site 12.4.1(3) – Reoriented Site Plan

Background

An application has been received to construct a dwelling and shed at Lot 3325 Scaffidi Place, Donnybrook. No planning issues are raised in relation to the dwelling and water tank.

The proposed shed will have a floor area of 235m² (dimensions of 11.8m x 19.8m) and a wall height of 4 metres. The proposal is being presented to Council for a decision regarding the floor area and height of the shed as it greater than the policy requirements of 180m² and a wall height of 3.5 metres.

The proposed shed represents a variation on the policy by 30% for the floor area and 12% for the wall height. The shed will be located on a cleared hill that sits approximately 15m above the road level. A building pad has been established. The earth works consist of a 3 metre high pad (approximate) with steep sloping sides. Attachment 12.4.1(2) provides a super imposed image of how the shed will look from the road.

Local Planning Scheme No.7 (LPS7)

In relation to design, LPS7 contains a number of provisions. It is necessary to test this proposal against these provisions to ensure that the intent of LPS7 is satisfied. The key elements of these clauses are included as follows:

Clause 3.3 outlines the purpose and objectives of the Rural Residential zone. The relevant clauses are:

"3.3.1 The purpose of the Rural Residential zone is to provide for low density residential development in a rural setting, which provides for an alternative residential lifestyle, which is consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land."

"3.3.2 (iv) maintain the rural character of the locality, maintain a high level of residential amenity and minimise disturbance to the landscape through appropriate construction of buildings and structures, clearing, earthworks and access roads..."

- (xi) *Discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone. "*

"4.17 General appearance of buildings and preservation of amenity

*Where, in the opinion of the local government, any proposed building or the erection of structures or carrying out of site works is out of harmony with existing buildings or the landscape of the locality **by virtue of the design and appearance** of the development, the colour or type of materials to be used on exposed surfaces, the **height, bulk and massing of any building**, the local government may refuse the application for planning approval. The refusal can be made notwithstanding that the application may otherwise comply with the provisions of the Scheme. The local government may place conditions on any planning approval granted for the proposed development to ensure that it will not have an adverse impact on the character of the area or the amenity and landscape quality of the locality.*

In exercising its discretion under this clause, the local government shall have regard to the following when assessing any application for planning approval:

- (i) the external appearance of the building and any associated structures and landscaping;*
- (ii) the dimensions and proportions of the building or structure;*
- (iii) the materials used in the construction of the building taking into consideration texture, scale, shape and colour;*
- (iv) the effect of the building or works on nearby properties, and on the occupants of those buildings;*
- (v) the effect on the landscape and environment generally; and*
- (vi) any other matter which in the opinion of the local government is relevant to the amenity of the locality."*

Clause 67 of the deemed provisions of local planning schemes outlines matters to be considered by local government. These include:

- "(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development"*

Planning guidance is provided in Local Planning Policy 9.4 – Outbuilding Control.

The relevant provisions and intent of this policy is detailed as follows:

Clause 9.4(2)a) Outbuilding Area Controls defines maximum outbuilding areas of 180m² and a wall height of 3.5m for land zoned Rural Residential.

Clause 9.4(2)b) states that:

"Council may however consider an increase beyond 180m² subject to the submission of an application for planning consent which addresses the following:

- *impact on vistas;*
- *impact on existing vegetation;*
- *location and density of development;*
- *stormwater disposal; and*
- *purpose of shed size."*

The applicant has advised that the shed size is required to accommodate equipment, a caravan and other vehicles.

Comment

Whether the proposal is considered acceptable or otherwise depends on forming views on the:

- a) design of the structures; and
- b) principles of orderly and proper planning.

In making a decision on these points, Council should be mindful of the following factors:

Building Design and Streetscape Amenity

In the immediate locality to the west, south and east consists of vacant Rural Residential lots. Land to the north is currently vegetated and has potential for future Rural Residential subdivision. The shed will front Scaffidi Place where it nears a cul-de-sac. It is noted that current planning shows that this cul-de-sac will eventually turn into a through road linking to Irishtown Road. The shed, due to its prominent location on the site will be highly visible and impact on vistas.

The additional wall height, when considered in combination with the floor area variation of 30% (55m²) and elevated position on the lot, the result will be a structure having a bulk far larger than intended for the zone.

In determining *Tempora Pty Ltd v Shire of Kalamunda* (1994), the Tribunal referred to a three part test for assessing the impact on amenity as follows:

- an objective assessment of the existing amenity;
- the manner in which the proposed use will affect the existing amenity; and
- the degree of impact on the locality.

It is reasonable to state that the proposed new shed will be of a scale and bulk that is not reflected in the existing estate which is characterised by significantly cleared and open tracts of land. This has the potential to enable other lots within the estate to erect similar sized sheds that will detract from the established local amenity.

Departures from Policy Position

In considering departures from a policy position, it is important to weigh up the intent of the policy and the extent of any departure proposed. In this case, the policy sets a maximum floor area and wall height (180m² and 3.5m wall height). The intent is to limit the impact of sheds on the streetscape setting. The policy does provide some room for flexibility and departures. However, in this case, the departures are significant (proposal exceeds floor area by 55m² and height by 0.5m). Added to this, is the high elevation of the site that increases the prominence of the structure on the landscape. This will set an undesirable precedent for other shed developments within the Rural Residential zone.

Consistent application of policy

Policies are easier to regulate and defend if consistently applied.

Setbacks

The shed is proposed to have a setback of approximately 40m. This setback is in excess of the minimum 15m setback required. However, any potential benefit achieved by this greater setback on reducing impacts on the streetscape is diminished by the prominent location of the site.

Potential for Landscaping

There is scope for screening through the use of landscaping. However, the height of building pad will require planting of significant sized plants. The applicant has provided a landscaping plan. Trees proposed for planting will be a minimum of 5 years old to speed up the screening potential of the site.

Alternative Solution

The intent of the Local Planning Policy is to ensure that a low density residential aesthetic is maintained and that built form does not intrude on the rural landscape unnecessarily.

The impact of sheds can be reduced through landscape treatments and building orientation. In this case, there is potential to reduce the bulk of the built form from the public realm by re-orientating the shed so that the 11.8m frontage faces the street (Attachment 12.4.1(3)). This will effectively reduce the impact of the shed bulk to be more in line with other sheds in the estate. Visibility of the shed from other elevations is addressed as follows:

- The southern elevation street view will be screened by the location of the dwelling;
- The western elevation impacts will be minimal due to the higher elevations of the adjoining property. In addition, recently approved development on this adjoining lot proposes to have a water tank and shed overlooking the proposed shed site. It will not impact on outlooks or views from the neighbours proposed dwelling.
- The northern elevation impacts will be minimal due to existing vegetation and the potential for additional landscaping.

The applicant raises no objections to this alternative solution.

Consultation

The application does not require advertising.

Policy/Statutory/Voting ImplicationsPolicy

Policy 9.4 – Outbuilding Control. This proposal requires Council to make a decision as it requires a departure from the stated standards.

Statutory

Clause 3.3 outlines the purpose of the Rural Residential zone is to provide for low density residential development in a rural setting, which provides for an alternative residential lifestyle, which is consistent and compatible with adjacent land use activity, landscape and environmental attributes of the land.

Clause 4.17 provides guidance on development standards and the need to have regard to impacts on the established streetscape in terms of building size, bulk and style.

Voting

Simple Majority

Financial Implications

N/A

Strategic Implications

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome 2.1 An attractive and maintained built environment

Strategy	Action No.	Actions
Provide effective and efficient regulatory services	2.1.2.2	Provide efficient and effective building services

Outcome 2.3 A natural environment for the benefit of current and future generations

Effective land use planning and management policies	2.3.2.1	Review local planning policies
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**Council Decision
(Officer's Recommended Resolution)**

Moved: Cr Bailey

Seconded: Cr Tan

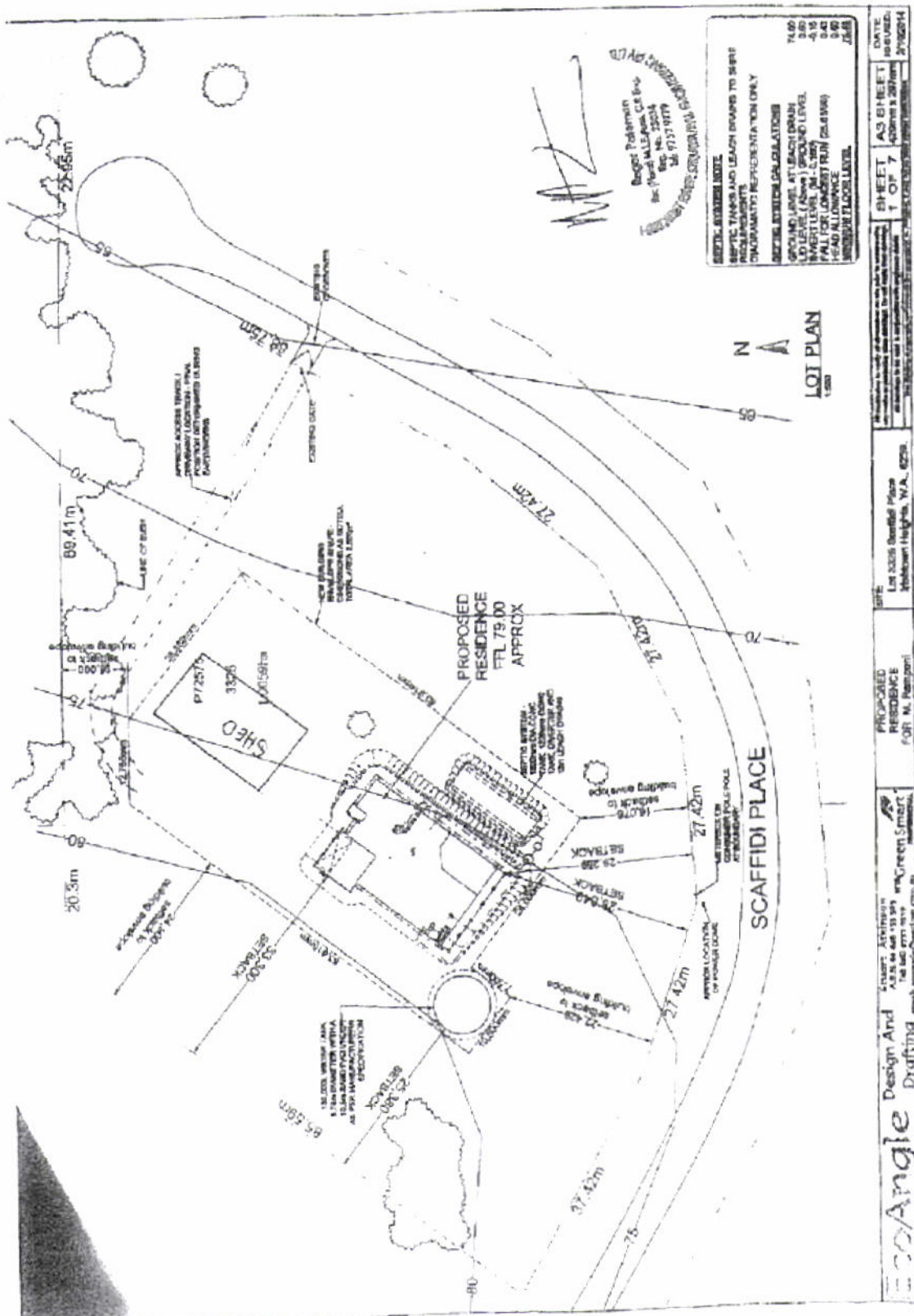
That the Council grant planning consent for a shed at Lot 3325 Scaffidi Place, Donnybrook subject to the following conditions:

- 1. The development hereby permitted must be substantially commenced within two (2) years from the date of this decision letter.**
- 2. The approved plans form part of this approval and the development hereby approved must at all times be consistent with the approved plans as marked in red.**
- 3. A landscaping plan being prepared and implemented to the satisfaction of the Shire of Donnybrook Balingup.**
- 4. The findings and recommendations of the Fire Management Plan dated August 2014 must be maintained for the life of the dwelling.**
- 5. A Notification pursuant to section 70A of the *Transfer of Land Act* is to be registered on the Certificate of Title for the property, within 28 days of the date of this approval, advising prospective purchasers of the conditions of development approval and findings of the fire management plan.**

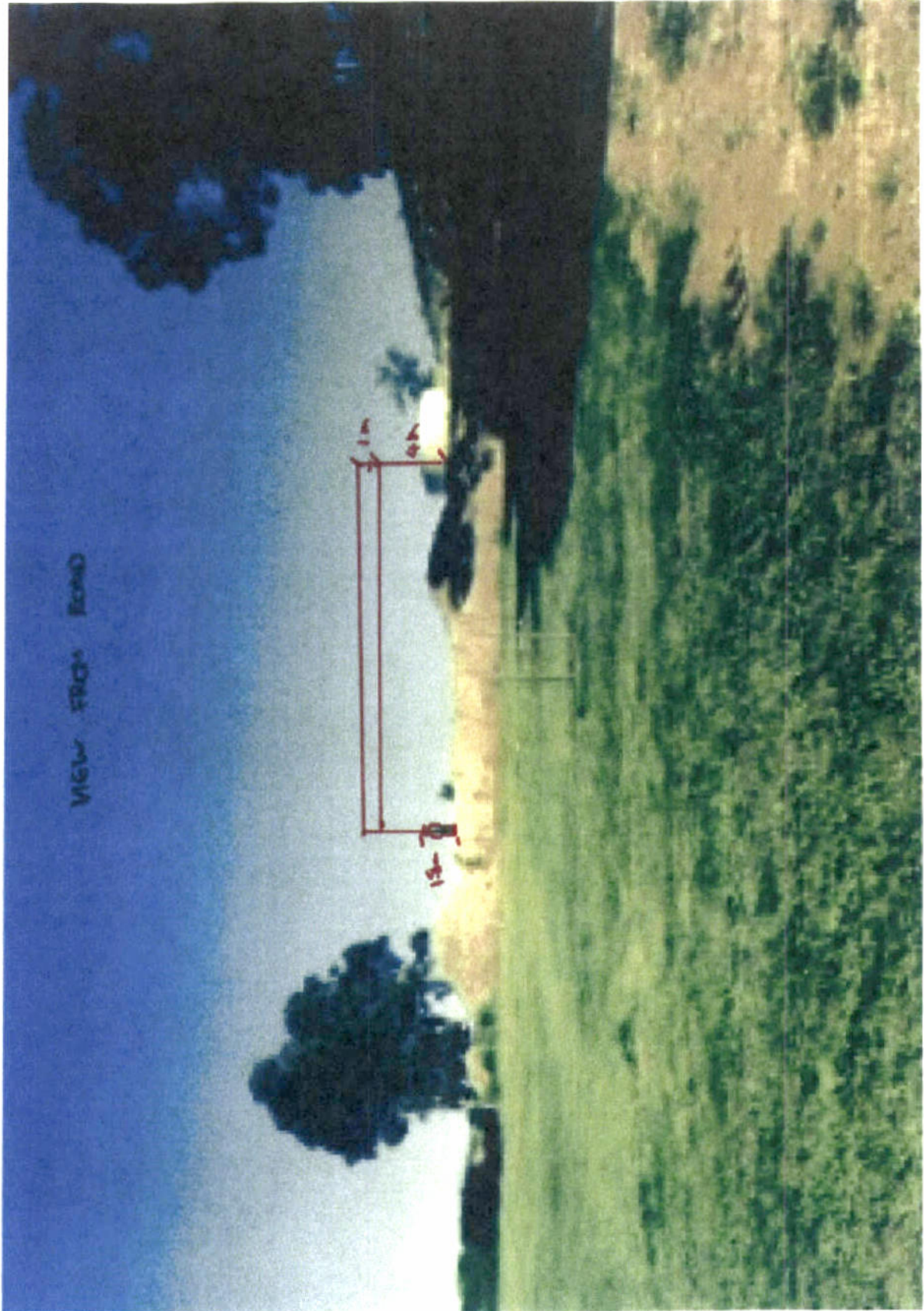
Carried 6/2

**** 6.17pm – June Scott, Jim Gerde and the Chief Executive Officer left the meeting.**

**** 6.19pm – The Chief Executive Officer returned.**



ATTACHMENT 12.4.1(2)



~~difference in~~ new building envelope.

area is
larger in
building
envelope

BEZELTWOOL HOME

SELECTED AND LEAD FRAMES TO SHARE
REQUIREMENTS
DYNAMIC REPRESENTATION ONLY

HEALTHY WOMEN QUALIFICATION

LAND LEVEL (Above) | CANYON LEVEL.

FALL FOR CONDENT RUM (25.95/50)

HEAD ALLIANCE

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110

[illegible]

4 OF 7

05685417/AN/1997/1-1

Schedule of Submissions – Shed application at Lot 3325 Scaffidi Place, Donnybrook

No.	Name & Address	Description of affected property	Summary of Submission	Comments	Council's recommendation
1	Ms J Scott	Local Resident	<p>Have no objections to increase in lot yield nor building envelopes as provided on the approved structure plan</p> <p>No advice or offer of consultation has been received from the developer or shire to the changes now proposed to the building envelope.</p> <p>Information provided when Council made a decision was not correct.</p> <p>Concerns/objections are summarised as follows:</p> <p>No. Rural Residential zone is not appropriate for a large "commercial" sized shed. The shed is required for storage of equipment. No equipment description is provided.</p>	<p>Noted</p> <p>Disagree. A formal 14 day advertising period has now been undertaken. This submission has been received during this advertising period.</p> <p>Noted. The information provided is adequate in the context of the nature of the proposal. The proposal is for a shed, house and building envelope modification. There is sufficient context and information to understand the intent and nature of the proposed development.</p> <p>Agree in part. The proposed shed is above the size stipulated in the policy. This policy is currently being reviewed to provide more flexibility on shed sizes. Further, shed size is only one element in considering impacts on amenity. The orientation, visibility from the street and outlooks from existing or proposed dwellings. In this case, any future dwelling will be orientated to look down the hill away from</p>	<p>Noted</p> <p>Disagree</p> <p>Noted</p> <p>Agree in part</p>

No.	Name & Address	Description of affected property	Summary of Submission	Comments	Council's recommendation
			<p>The site is on an extremely prominent location, with an elevated outlook increased by fill</p> <p>A 20 metre long wall line with a wall height of 4m close to boundary line with no vegetation present is overkill and highly intrusive.</p>	<p>the proposed shed. The Rural Residential zone does not allow "Commercial" activity. The proposed shed is not proposed for commercial activity and no commercial activity in the shed will be approved beyond what is allowed under the Rural Residential zone.</p> <p>Noted. The site is prominent. However, the positioning of the house as well as the orientation of the shed will minimise its impact on the public realm (street). This will be further addressed through planting of trees consistent with an approved landscape plan.</p> <p>Disagree. The degree to which the proposed shed will impact the adjoining property compared to strictly compliant 180m² with a slightly shorter wall length/height is limited due to:</p> <ul style="list-style-type: none"> • Orientation (angled away resulting in a foreshortened perspective); • Location of the existing proposed undeveloped building envelope on the adjoining property being downhill and approximately 30 (plus metres away). Further, when combining this fact with the certainty that the future building will be orientated to outlook away down the hill over the water feature below and that sheds, water tanks would likely be developed behind the future dwelling as 	<p>Noted</p> <p>Disagree</p>

No.	Name & Address	Description of affected property	Summary of Submission	Comments	Council's recommendation
				<p>well as the existing vegetation providing screening. These factors add further screening opportunities to reduce impacts;</p> <ul style="list-style-type: none"> • Location of the shed at the rear corner of the adjoining lot. 	
			Potential impact on vista's	<p>Disagree. The proposed building envelope, shed and house will be set above and behind potential views of any future development on the adjoining lot and will not significantly/unreasonably obstruct views from living or outdoor areas as it is located near the rear corner. Impacts on vistas need to be considered in the context of how likely the view will be appreciated. In this case, the impact will be limited to the rear corner of a block that is unlikely to be used by future residents except as a vegetated hill backdrop. It is highly likely that a future building and outdoor spaces on the adjoining property will be orientated to take advantage of views over the water body (opposite direction to the proposed shed).</p>	Disagree
			The original structure plan shows a 20m setback for the building envelope. The altered placement reduces this to approximately 14 metres. Requests the building envelope remains consistent with approved structure plan	<p>Noted. LPS7 provides opportunity to place building envelopes and buildings within 10 metres off a side or rear boundary.</p>	Noted

No.	Name & Address	Description of affected property	Summary of Submission	Comments	Council's recommendation
			Request the extensive earth works undertaken be adjusted to fit with the originally approved building envelope that forms part of the structure plan	Noted. No specific justification and reasons is provided for this request. See comments above in relation to amenity and streetscape considerations.	Noted
			A fire management plan (FMP) identifies the location as an "extreme fire risk". This FMP identifies the building envelope in accordance with the structure plan.	Noted. The FMP was prepared to support the structure plan at the time when it was first prepared. It would be a circular argument to justify the need to comply with the existing building envelope location solely based on a FMP that included as a reference the structure plan design it was prepared to support.	Noted
				A site specific Bush Fire Attack Level (BAL) assessment has been undertaken for the property as part of this application. The dwelling was determined to have a BAL 19 and will need to comply with BAL 19 construction requirements. Conditions have been imposed to enforce this. The shed is not required to have a BAL assessment (exempt) as it is a non-habitable building and is located more than 6 metres from the dwelling.	
			My property is included in LPS7 as a transitional property.	Disagree in part. The adjoining lot is zoned "Rural Residential" which is the same as the land subject to this application.	Disagree in part
			Approving a 30% variation without due consideration of adjoining landowners should not be allowed.	Agree. It has been necessary to advertise this application for comment. A 14 day comment period has been provided.	Agree

No.	Name & Address	Description of affected property	Summary of Submission	Comments	Council's recommendation
			Wish to protect the integrity of the development of my property.	Noted.	Noted
			Amendment 72 provides supporting documentation in the text for building envelopes (ie: 20m setbacks from lot boundaries where achievable.	Noted. Amendment 72 was prepared prior to gazettal of LPS7. LPS7 provides different requirements for setbacks. The provision for a 20m setback is no longer cross referenced or contained in LPS7. LPS7 does reference Amendment 72 as a transitional structure plan. This relates to the structure plan map itself – it does not reference further to provisions that were contained in Schedule 3 Rural Residential Zones of Town Planning Scheme No. 4.	Noted
			Drainage mitigation has not been provided	Noted. Drainage will need to be treated as part of the building license process. At present, the site contains unfinished earth works.	Noted